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such rules or orders as are also applicable to persons governed by the Classification Rules and rules made thereunder shall *mutatis mutandis* apply to the personnel mentioned above.

[G. I., H. D., Office Memo. No. F-9/9/35-Ests., dated 30th April 1935, received with G. I., F. D., endstt. No. D.-1948-Ex.-1/35, dated 16th May 1935.]

Audit Instruction.—The Bodyguard establishment of a Governor being part of the Indian Army and subject to the Indian Army Act of 1911, the members thereof are in military service and not in the civil service of the Crown in India within the meaning of Section 96-B of the Government of India Act and the Civil Services (Classification, Control and Appeal) Rules are therefore inapplicable to them.

[Para. 2, Sec. VIII-A, Manual of Audit Instructions (1926).]

G. S. (C. C. A.) R. 4. Notwithstanding the provisions of the foregoing rule, the Government may by notification published in the *Gazette of India* or the local official Gazette:—(1) Exclude wholly or in part from the operation of these rules any [ministerial or petty officer or inferior servant, or any class of such officers or servants to whom] the Government shall declare that the rules cannot suitably be applied, and these rules shall thereupon, to the extent of such exclusion, cease to apply accordingly; (2) declare in respect of any person or group of persons that these rules shall not apply in whole or in part to such person or group and these rules shall thereupon cease to apply accordingly:

Provided that no declaration under sub-rule (2) of this rule shall be made in respect of any person who—

- (a) holds a pensionable post; or
- (b) holds a permanent whole-time post; or
- (c) was appointed by the Secretary of State in Council or the Governor-General in Council, save by or with the sanction of the appointing authority.

G. S. (C. C. A.) R. 5. If any doubt arises—

- (a) as to whether these rules apply to any person, the matter shall be referred to the authority which appointed him;
- (b) as to whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to the controlling authority of that service;
- (c) as to which of two or more services is the service to which a person to whom these rules apply belongs, the matter shall be referred to the highest authority among the controlling authorities of the services concerned;

and, in each case, the decision of the authority to whom the matter is referred shall be final.

[] This amended phrase takes effect from 1st November 1932.

C. S. (C. C. A.) R. 6. The decision of the Secretary of State in Council shall be final on any question whether any rule, purporting to be made in exercise of the powers conferred by these rules, was validly made or contravenes any of the provisions of these rules and the authority by which the rule was made shall give effect to any orders which may be passed by the Secretary of State in Council thereon.

C. S. (C. C. A.) R. 7. Where by these rules power is delegated to, or conferred upon, any authority to make rules regulating the classification, the methods of recruitment, the conditions of service, the pay, allowances and pensions, or the discipline and conduct of any class of the Civil Services specified in Rule 14, the rules, notifications, and orders, by whatsoever authority made, regulating these matters in respect of that class which were in operation on the date these rules were made shall remain in operation except in so far as they may be inconsistent with these rules or may be specifically cancelled or modified in exercise of the aforesaid power by the authority to which it is delegated.

C. S. (C. C. A.) R. 8. Nothing in these rules or in any rule made thereunder shall operate to deprive any person of any right or privilege to which he is entitled—

(a) by or under any law, or

(b) by the terms of any contract or agreement subsisting between such person and Government on the date these rules came into force.

C. S. (C. C. A.) R. 9. (1) Subject to the provisions of Rule 8, nothing in any rule made under these rules shall operate to affect to the disadvantage of any person to whom these rules apply, the conditions of service in respect of pay, allowances, pensions or any other matter which are applicable to him—

(a) on the date these rules came into force, or

(b) by virtue of any order or rule made by the Secretary of State in Council,

unless—

(i) the rule has been made with the previous sanction of the Secretary of State in Council, or

(ii) the authority which made the rule had power on the 8th day of March 1926 to make it, or

(iii) such person gives his consent.

(2) For the purpose of this rule, a person who was holding a post on the aforesaid date, in an officiating or provisionally substantive capacity, and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been holding that post on that date.

Government of India's decision.—A question was raised whether the action of a Local Government in restricting by executive order, the leave-salary of an officer protected by Rule 9 of the Civil Services (Classification, Control and Appeal) Rules during leave on half average pay out of India to actual half average pay instead of the

C. S. (C. C. A.) R. 13. (1) The local Legislature of any Governor's province is hereby authorised to make laws for the establishment, and for determining the functions, of a Commission to regulate the public services of the province; but any such law shall be subject to the provisions of any rules made by the Secretary of State in Council under sub-section (2) of section 96B or section 96C of the Government of India Act for the time being in force, whether made before or after its enactment, and, if it is at the time of its enactment, or thereafter becomes, repugnant to any such provision, shall, to the extent of that repugnancy, be void.

¹(2) No law enacted under the authority of this rule shall provide—

- (a) for the appointment or renewal of the appointment or removal of any Member of such Commission otherwise than by the Governor; or

for the exercise by the Commission with reference to any person in the Civil Service of the Crown in India, other than a member of a provincial specialist or subordinate service under the administrative control of the local Government—

- (i) of any function in regard to disciplinary cases;
(ii) of any other function save with the general or special approval of the Secretary of State in Council in the case of persons appointed by him and of the Governor General in Council in other cases.

²(3) In any law enacted under the authority of this rule there shall be inserted—

- (a) provision that any person who has been a member of a Commission set up by any such law shall, on vacating his office, be ineligible, or
(b) provision that any such person shall, on vacating his office, be ineligible for such period as the Governor may prescribe,

to hold any office under the Crown in India other than the office of Member of a Commission set up by any such law or under section 96-C of the Government of India Act.

Part II.—Classification.

C. S. (C. C. A.) R. 14. The public services in India shall be classified as follows:—

- (1) the All-India Services;
- (2) the Central Services, Class I;
- (3) the Central Services, Class II;
- (4) the Provincial Services;
- (5) the Specialist Services;
- (6) the Subordinate Services.

¹This revised sub-rule has effect from 1st October 1932.

²This sub-rule has effect from 1st October 1932.

C. S. (C. C. A.) R. 15. The All-India Services shall consist of—

- (a) members of the services included in Schedule I to these rules; and
- (b) persons who hold in a substantive capacity posts borne on the cadres of the services included in Schedule I.

Audit Instruction.—The effect of Rule 15 (b) is to set up an artificial All-India Service with the persons holding in a substantive capacity listed posts in the Indian Civil Service as members thereof. Such persons, therefore, are members of an All-India Service within the meaning of Rule 26.

[Para. 3-A, Sec. VIII-A., Manual of Audit Instructions (1926).]

C. S. (C. C. A.) R. 16. The Central Services, Class I, shall consist of the services included in Schedule II to these rules.

C. S. (C. C. A.) R. 17. The Central Services, Class II, shall consist of such services (other than the services included in Schedules I and II) under the administrative control of the Governor-General in Council or the Local Government of a Province other than a Governor's Province, as the Governor-General in Council may from time to time declare, by notification in the *Gazette of India*, to be included in the Central Services, Class II: Provided that one of the services so included shall be entitled the General Service.

C. S. (C. C. A.) R. 18. The Provincial Services shall consist of such services (other than the services included in Schedule I), under the administrative control of the Local Government of a Governor's Province as the Local Government may from time to time declare, by notification in local official Gazette, to be included in the Provincial Services of that Province: Provided that one of the services so included shall be entitled the General Service.

C. S. (C. C. A.) R. 19. The Specialist Services shall consist of such services (other than All-India, Central or Provincial Services) under the administrative control of the Governor-General in Council or the Local Government of a Governor's Province, as the Governor-General in Council or such Local Government may, from time to time, by notification in the *Gazette of India* or local official Gazette, declare to be Specialist Services: Provided that one of the services so included shall be entitled the General Service.

C. S. (C. C. A.) R. 20. The various Governments may make rules for the classification into subordinate services of persons to whom these rules apply and who are under their administrative control and are not already included in any of the services comprised in classes (1) to (5) of Rule 14.

C. S. (C. C. A.) R. 21. The controlling authority of every person to whom these rules apply shall, if he is not already so included, include him in a service under its control.

C. S. (C. C. A.) R. 22. ¹[Save where his former appointment has been terminated by his removal under rule 49 (vi), no appointment of a person who is included in a service to any other service or post]

¹[] Substituted for the words "No appointment of a person who is included in a service to any other service or post, except as a penalty imposed under rule 49," with effect from 28th May 1935.

When a post, though not filled by a member of the Service on the cadre of which it is borne, is held by an officer other than a member of that service, the case falls under Rule 27 read with Rule 17 of the Superior Civil Services Rules (or other rules or orders issued by the Secretary of State in Council in this behalf).

[Para. 4, Sec. VIII-A, Manual of Audit Instructions (1926).]

(2) *Interpretation of the term 'unfilled' with reference to a combination of appointments.*—A post is to be considered as 'unfilled' when arrangements are such as to permit of a cadre being reduced temporarily or permanently by one in consequence of the arrangements for the work of the post. This does not affect the power of the local Governments under F. R. 49. But when F. R. 49 is employed so as to render nugatory a separate and individual charge by a member of an All-India service, a report must be made to the Secretary of State in Council if the period involved is over three months.

[Manual of Audit Instructions (1926), No. 287, dated the 1st March 1935.]

C. S. (C. C. A.) R. 26. Rules regulating the conditions of service, the pay, and allowances and the pensions of members of the All-India Services shall be made by the Secretary of State in Council:

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force.

C. S. (C. C. A.) R. 27. Save as provided by any law for the time being in force or by any rules or orders relating to an All-India Service made by the Secretary of State in Council, no person shall, without the previous sanction of the Secretary of State in Council, be appointed to any post borne on the cadre or reserved for members of an All-India Service except a person who is a member of such Service or is already substantively holding a post borne on the cadre or reserved for a member of such Service.

C. S. (C. C. A.) R. 28. Notwithstanding anything in Rule 27 of these rules or in Rule VII of the Civil Services (Governor's Provinces) Classification Rules, the previous sanction of the Secretary of State in Council to the appointment of a person who is not a member of the Indian Service of Engineers to a divisional post in the Public Works Department of Madras, Bombay, 2[Bihar and Orissa] and Assam or in the Irrigation Branches of that Department in Bengal, the United Provinces, the Punjab, Burma [* * *]³ and the Central Provinces, shall not be required, unless the total number of such posts in the province or branch concerned is less than the number of officers of that service who hold the rank of Executive Engineer, but excluding from the former number any extra-departmental posts which are not actually in operation and from the latter any officers who are unavailable owing to their being on leave or deputation or to their officiating in higher appointments.

¹This rule has effect from 22nd December 1920.

²[] Inserted with effect from 1st April 1933.

³[] Deleted with effect from 1st April 1933.

Part IV.—Central Services, Class I.

C. S. (C. C. A.) R. 29. All first appointments to the Indian Ecclesiastical Department shall be made by the Secretary of State in Council.

The Governor General in Council may appoint a member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army, or, for special reasons and with the prior approval of the Secretary of State in Council, a member of any other All-India Service to the Indian Political Department.

Provided that all other first appointments to the Indian Political Department shall be made by the Secretary of State in Council.

C. S. (C. C. A.) R. 30. Save as provided by Rule 29, all first appointments to the Central Services, Class I, shall be made by the Governor-General in Council.

C. S. (C. C. A.) R. 31. (1) Rules regulating the methods of recruitment to the Indian Ecclesiastical Establishment and the Indian Political Department ¹[* * *] shall be made by the Secretary of State in Council.

(2) Save as provided in sub-rule (1), the power to make rules regulating the methods of recruitment to the Central Services, Class I, is hereby delegated to the Governor-General in Council.

²C. S. (C. C. A.) R. 32. (1) The strength, including both the number and character of posts, of the Indian Ecclesiastical Establishment and the Indian Political Department shall be determined by the Secretary of State in Council, or in accordance with any rules made in this behalf by the Secretary of State in Council:

Provided that, subject to the limitations specified in Rule 10, the Governor-General in Council may make temporary additions to the cadres of the Indian Ecclesiastical Establishment or the Indian Political Department for the performance of any duties of a temporary character.

(2) Save as provided in sub-rule (1), the power to make rule to determine the strength including both the number and character of posts, of the Central Services, Class I, is hereby delegated to the Governor-General in Council.

Provided that any modification of cadre which would adversely affect a person appointed by the Secretary of State in Council to any Central Service, Class I, shall require the previous sanction of the Secretary of State in Council.

C. S. (C. C. A.) R. 33. ³(1) Rules regulating the conditions of service, the pay and allowances and the pensions of officers of the Indian Ecclesiastical Establishment and the Indian Political Department, rules regulating the pensions of members of the Central Services, Class I, appointed by the Secretary of State in Council and rules regulating the pensions of members of the Central Services

¹ [] Omitted with effect from 1st November 1932.

² This revised rule has effect from 1st November 1932.

³ This revised sub-rule has effect from 25th April 1933.

(b) the pensions of members of such Services in respect of any period of office as a Member or Temporary Member of the Executive Council of the Governor-General or of a Governor; or

(c) the pensions of members of such Services who were appointed by the Secretary of State in Council,

shall be made by the Secretary of State in Council.

Part VII.—Specialist Services.

C. S. (C. C. A.) R. 42. The Governor-General in Council and the Local Government of a Governor's Province may determine the posts to be held by members of the Specialist Services, and may appoint persons to hold them, and may make rules prescribing the conditions of service, the pay and allowances, and the pensions, if any, of the incumbents of such posts:

Provided that rules regulating the pensions of members of a Specialist Service appointed by the Secretary of State in Council shall be made by that authority.

Provided also that no such post, if its creation would adversely affect any member of an all-India Service or of a service specified in ¹[] Rule 29, ²[or any member of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department appointed by the Secretary of State in Council] shall be created without the previous sanction of the Secretary of State in Council.

Part VIII.—Saving for Military Officers.

C. S. (C. C. A.) R. 43. Notwithstanding anything contained in Part IV, Part V, Part VI, Part VII ²[or Part XII]—

rules regulating the methods of recruitment of officers (other than officers of the Indian Medical Department) holding the King's Commission on the active list of the Regular Army, ²[the Royal Air Force] and the Royal Indian Marine to any Central Service, Class I or Class II, or to any Provincial Service, and rules regulating the conditions of service, the pay and allowances and the pensions ²[and the conduct] of such officers in any such service or in any Specialist Service shall be made by the Secretary of State in Council;

²[Provided that nothing in this clause shall invalidate any delegation of the power to make rules which was made before these rules came into force.]

(b) the number and character of posts for the time being filled by such officers in any Central, Provincial or Specialist Service shall not be altered without the previous sanction of the Secretary of State in Council:

¹ [] Deleted with effect from 1st November 1932.

² [] Inserted with effect from 1st November 1932.

Provided that, subject to, the limitations specified in Rule 10, the Governor-General in Council or Local Government may add temporarily to the number of such posts for the performance of duties of a temporary nature.

Part IX.—Subordinate Services.

G. S. (C. C. A.) R. 44. The power to make rules providing for the following matters in respect of subordinate services under the administrative control of a Government is hereby delegated to such Government, namely:

- (a) the making of first appointments,
- (b) the methods of recruitment,
- (c) the number and character of posts, and
- (d) conditions of service, pay and allowances and pensions

Part X.—Transfers to Foreign Service.

G. S. (C. C. A.) R. 45. (1) No rule made under the power delegated by sub-rule (2) of rule 33, rule 37, rule 41, rule 42 or rule 44 shall permit of a transfer of any person to foreign service without his consent.

(2) No rule made under the power delegated by rule 41, rule 42 or rule 44 shall permit of—

- (a) the transfer of any person to foreign service outside India or (in the case of a transfer by the Madras Government) to foreign service outside India or Ceylon save with the previous sanction of the Governor-General in Council;
- (b) the transfer of any person to foreign service in a State in India save in accordance with such restrictions as the Governor-General in Council may from time to time impose.

Part XI.—Special Provisions by agreement.

G. S. (C. C. A.) R. 46. (1) When in the opinion of the controlling authority special provisions inconsistent with any of ¹[these] rules or of any rules made thereunder are required in respect of conditions of service, pay and allowances, ¹[pension, discipline and conduct with reference to] any particular post, or any of them, it shall be open to the controlling authority subject to the provisions of Rule 10, but notwithstanding anything otherwise ¹[contained in these rules] to provide by agreement with the person appointed to such post for any of the matters in respect of which in the opinion of the controlling authority special provisions are required to be made, and to the extent to which such provisions are made in the agreement nothing in ¹[these] rules or in any rules made thereunder shall apply to any person so appointed in respect of any matter for which provision is made in the agreement:

¹ [] Substituted with effect from 1st November 1932.

should be made to the Secretary of State in Council before the officer's resignation is accepted or the permission to retire is granted.

[G. I., F. D., Nos. D/8871-Ex. 1/31, dated 19th Dec 1931 and D/1698-Ex. 1/33, dated 28th Mar. 1933.]

C. S. (C. C. A.) R. 51. No officer holding the King's Commission on the active list of the Regular Army and the Royal Indian Marine or on the Supernumerary List of the Indian Army shall be reverted from his civil employment except by order of the Governor-General in Council.

C. S. (C. C. A.) R. 52. Subject to the provisions of these rules, the Governor-General in Council or the Local Government of a Governor's Province may impose—

- (a) any of the penalties specified in clauses (i) to (v) of Rule 49 on any person included in any of the classes (1) to (5) specified in Rule 14 who is serving under the administrative control of the Governor-General in Council or the Local Government, as the case may be,
- (b) the penalty specified in clause (vi) or in clause (vii) on any such person not being one of those referred to in Rule 50.

C. S. (C. C. A.) R. 53. Subject to such conditions, if any, as he may prescribe, the Governor-General in Council may delegate—

- (a) to a Chief Commissioner his power to impose any of the penalties specified in clauses (i) to (v) of Rule 49 on members of services under the administrative control of the Chief Commissioner,
- (b) to any authority subordinate to him his power to impose any of the penalties specified in clauses (i) to (v) of that rule on members of Specialist Services.
- (c) to any authority subordinate to him his power to impose any of the penalties specified in that rule on members of a Central Service, Class II.

C. S. (C. C. A.) R. 54. The power to make rules prescribing the penalties that may be imposed on members of Subordinate Services under the administrative control of a Government, the authorities which may impose such penalties, the appeals which may be preferred from orders imposing such penalties, the conditions subject to which and the authorities by which such orders may be reversed or altered in cases in which no appeal lies or in which no appeal is preferred; is hereby delegated to such Government:

Provided that, when such rules empower a subordinate authority to impose a penalty, provision shall be made in the rules for at least one appeal to a higher authority from an order imposing such penalty.

C. S. (C. C. A.) R. 55. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order of dismissal, removal or reduction shall be passed on a member of a Service (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

Part XIII.—Appeals.

C. S. (C. C. A.) R. 56. Every person included in one of the classes (1) to (5) specified in Rule 14 shall be entitled to appeal, as hereinafter provided, from an order passed by an authority in India—

- (a) imposing upon him any of the penalties specified in Rule 49;
- (b) discharging him in accordance with the terms of his contract if—
 - (i) he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated; or
 - (ii) he comes under the provision of Rule 58 (3):

C. S. (C. C. A.) R. 64. An appeal may be withheld by ¹[an authority not lower than the authority from whose order it is preferred] if—

- (1) it is an appeal in a case in which under these rules no appeal lies, or
- (2) it does not comply with the provision of Rule 63, or
- (3) it is not preferred within six months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay, or
- (4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it:

Provided also that an appeal withheld on account only of failure to comply with the provisions of Rule 63 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with those provisions, shall not be withheld.

C. S. (C. C. A.) R. 65. No appeal shall lie against the withholding of an appeal by a competent authority.

C. S. (C. C. A.) R. 66. (1) Every appeal from a person serving under a Local Government to the Governor-General in Council or the Secretary of State in Council which is not withheld under these rules shall be forwarded by the Local Government to the Governor-General in Council with an expression of opinion. Every appeal to the Secretary of State in Council which is received by the Governor-General in Council from a Local Government or from the head of a department under the Governor-General in Council and which is not similarly withheld shall be transmitted by the Governor-General in Council with an expression of his opinion.

²[* * *].

³(2) Save as provided in sub-rule (1), every appeal which is not withheld under these rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.

C. S. (C. C. A.) R. 67. (1) The Local Government shall forward quarterly to the Governor-General in Council a list of appeals to the Governor-General in Council or the Secretary of State in Council which have been withheld by the Local Government together with the reasons for withholding the same. The Governor-General in Council shall in the same manner forward quarterly to the Secretary

¹[] Substituted for the words "a Local Government or the Governor General in Council" with effect from the 26th May 1935.

²[] Deleted with effect from the 12th July 1932.

³This sub-rule has effect from the 23th May 1935.

of State a list of appeals to the Secretary of State in Council which have been withheld by a Local Government or by the Governor-General in Council.

¹(2) Save as provided in sub-rule (1), a list of appeals withheld under rule 64, with the reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

²C. S. (C. C. A.) R. 68. An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

C. S. (C. C. A.) R. 69. Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these rules came into force shall be deemed to be an appeal under these rules, and Rules 59 or 60 (as the case may be) and 61 shall apply as if the appeal were against an order appealable under these rules.

SCHEDULE I.—ALL-INDIA SERVICES.

(See RULE 15.)

- (1) Indian Civil Service.
- (2) Indian Police ³[*].
- (3) Indian Agricultural Service.
- (4) Indian Educational Service
- (5) Indian Forest Service.
- (6) Indian Forest Engineering Service.
- (7) Indian Medical Service (Civil).
- (8) Indian Service of Engineers.
- (9) Indian Veterinary Service.
- (10) Indian General Service.

SCHEDULE II.—CENTRAL SERVICES, CLASS I.

(See RULE 16.)

1. Indian Audit and Accounts Service.
2. Central Engineering Service (Class I).
3. Imperial Customs Service.

¹This sub-rule has effect from the 28th May 1935.

²This revised rule has effect from the 28th May 1935.

³[] Deleted with effect from 28th February 1933.

(2) Subject to the provisions of sub-rule (1) leave-salary shall be drawn in rupees if due in respect of leave spent in Asia, and in sterling if due in respect of leave spent out of Asia:

Provided that

No. 14.

Page 90, Section II, F. R. 91—

Substitute the following for the existing Clause (a) of the proviso to sub-rule (2) of this Rule:—

“(a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave salary due in respect of an initial period of such leave spent in Asia may, if the Officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave salary due in respect of an initial period of such leave spent out of Asia may be drawn in rupees”.

(This amendment takes effect from the 13th August 1935.)

[G. I., F. D., Notification No. F.-7 (41)-R. I/35, dated 5th September 1935.]

[No. 14, dated the 18th March 1936.]

the case of a Government servant who spends his leave in Ceylon, in Ceylon.

1(4) Leave-salary drawn in sterling shall be drawn in London, or,

No. 71.

Page 90, Section II, F. R. 91—

Substitute the words “Local Government” for the words “Governor General in Council” occurring in line 8 of Sub-rule (4) of this Rule.

(This amendment takes effect from the 26th November 1935.)

[G. I., F. D., Notfn. No. F.-7 (42)-R. I/35, dated 24th December 1935.]

[No. 71, dated the 18th March 1936.]

in a case of Division Domestics and Clerks in which leave-salary may be drawn in sterling, see Appendix 9A.]

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

2F. R. 92. The rupee and sterling maxima and minima prescribed in Rules 89 and 90 shall be applied to leave-salaries paid respectively in rupees and in sterling.

F. R. 93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave ³[* * *] may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary

¹This amended sub-rule has effect from the 21st December 1926.

²This revised rule was introduced with effect from the 17th March 1925.

³[] Deleted with effect from the 27th January 1931.

[* * *]. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

[For Rules framed by the Governor General in Council under Fundamental Rule 93, in his capacity as a Local Government, see Supplementary Rules 5-8.]

Section VI.—EXCEPTIONS AND SPECIAL CONCESSIONS.

F. R. 94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rules made under other sections of the Act:—

- ²(a) Governors and Lieutenant-Governors, Members of the Executive Council of the Governor General, or of a Governor or Lieutenant-Governor during their tenure of office as such.
- (b) The Chief Justices and other Judges of the several High Courts.
- (c) The Bishops of Calcutta, Madras and Bombay.
- (d) The Auditor-General in India.

Audit Instruction.—Subject to any special orders by the Government of India to the contrary, leave of absence granted to a Member of the Executive Council of the Governor General (if taken out of India) commences on the day after such Member embarks at any port in India, excluding Aden, and ends on the day before he disembarks at any port in India, excluding Aden; provided always that such Member has not been relieved of the charge of his office until he disembarks and that he resumes charge immediately upon his disembarkation.

[Para. 34, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

F. R. 94A. The rules in sections I to V are not applicable to the Presidents of Legislative bodies, whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

Secretary of State's orders.—The Secretary of State in Council has laid down the following principles to govern the grant of leave to the Presidents of the Legislative Councils:—

- (i) In view of the long periods of what may be described as "vacation" which a President enjoys and which he is free to spend wherever he chooses, no President shall be regarded as "earning leave" at all during the tenure of his appointment, or shall, except in the case of inability through sickness to attend to duty, be granted on the basis of his pay and service as President leave of absence from his duty with allowances, either during the tenure of his appointment or, except as provided in clause (ii) below, on its termination.

¹[] Deleted with effect from the 27th January 1931.

² This revised clause was introduced with effect from 28th September 1927.

training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

[G. I., F. D., No. 15 (29)-R. I./31, dated 21st September 1931 and G. I., F. D., No. F-34-R. I/32, dated the 19th August 1932.]

3. The time taken by the officers of the Superior Telegraph Engineering Branch for the journeys from their headquarters to the place of training and *vice versa* shall not form part of their traffic training for 3 months.

[F. A., P. & T.'s Memo. No. S-203/4, dated the 2nd August 1933.]

4. The time taken by the following officials of the Indian Posts and Telegraphs Department for the journeys from their headquarters to the place of training and *vice versa* shall not form part of the period of their training:—

1. Departmental candidates selected for training as Engineering Supervisors.
2. Superintendent of Post Offices and R. M. S. }
3. Inspectors of Post Offices, Head clerks of the Superintendents of Post Offices and clerks. } Training in Telegraphy.
4. Telegraphists who undergo higher Baudot and wireless training. }
5. Telephone Inspectors. } Training in Telephony.
6. Linestaff }
7. Telephone Operators. }
8. Mistries and Mechanics who undergo training in Telephony and Murray, Baudot and Teleprinter mechanism.

[F. A., P. & T.'s Endorsement No. S-179/6, dated 28th February 1934.]

(7) Mr. N., an Executive Engineer, while officiating as Superintending Engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on 25th August 1924. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August 1924 and it having been finally decided to post him as officiating Superintending Engineer, orders for his posting were issued on the 26th September 1924. Mr. N. joined duty on the forenoon of the 4th October 1924. The question arose how the period 26th August 1924 to 3rd October 1924 should be treated.

The circumstances of the case are similar to those referred to in F. R. 9 (6) (b) (iv) inasmuch as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government of India, with the concurrence of the Auditor General, ordered that the period of waiting in the case of Mr. N. and in other similar cases should be treated as duty as in the case mentioned in F. R. 9 (6) (b) (iv).

[G. I. F. D. No. F-192-C. S. R.-25, dated the 20th June 1925, to the Accountant General, Madras.]

Audit Instructions—

(1) (a) The term “Probationer” does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed ‘on probation’ to another post.

(b) No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation (such as the condition that he must remain on probation pending the passing of certain examination) have been attached to his appointment.

(c) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

[Para. 6-A, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

Director General's Order.—The period of deputation of paid postal probationers appointed prior to 1st December 1919 to telegraph training classes should count towards leave and pension.

[D. G., P. & T., Memo. No. S-238/113, dated the 14th November 1933.]

¹ F. R. 9. (6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than general revenues whether made directly to the Government servant or indirectly through the intermediary of Government.

F. R. 9 (7) *Foreign Service* means service in which a Government servant receives his substantive pay with the sanction of Government from any source other than the general revenues of India or from a company working a State railway.

(8) *General Revenues of India* include the revenue allocated to local Governments and exclude the revenues of local funds.

Audit Rulings—

(1) Fees recovered from shipowners for work done on Sundays, are part of general revenues.

[Ruling (2), Sec. IV of Compilation of Audit Rulings.]

(2) Payments to Government servants out of the realised assets of enemy trading concerns are not payments from general revenues.

[Ruling (3), Sec. IV of Compilation of Audit Rulings.]

Audit Instruction.—In their Finance Department letter No. 2291-C. S. R., dated the 20th December 1923, read with their letter No. F-45-C. S. R., dated the 19th July 1924, the Government of India have ruled that when a Government official is nominated as a member of the Legislative Assembly or the Council of State, it is permissible for the local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto. Officiating arrangement may then be made under the ordinary rules for the performance of his regular duties at his permanent headquarters.

[Para. 14, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

F. R. 39. Pay of temporary posts.—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F. R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to:—

- (a) the character and responsibility of the works to be performed, and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Government of India's order.—* * * Although it has been incorrect since the Fundamental Rules superseded the Civil Service Regulations to refer to officials holding temporary posts created for special purposes outside the regular line of their service as being “on deputation” or “on special duty” recommendations are still commonly made in the obsolete terms of the Civil Service Regulations; and these terms are accordingly used for convenience in this order. All such posts are now technically temporary posts added to the cadre of the holder's service; and the rule governing the fixation of pay for the holders is Fundamental Rule 40. * * * The correct method is to fix a consolidated pay split up, if convenience so dictates, into rupee and sterling elements. Possibly through the influence of Fundamental Rules 22 and 30, before they were amended in March 1930 to eliminate the unintentional extravagance of enhanced pay for a mere change in the character of duties performed, the tendency has gradually grown up of sanctioning enhanced pay for all posts temporarily created outside the ordinary line with scant regard to the provisions of Fundamental Rule 40. It has accordingly been ordered that the following principles should strictly be observed in fixing pay of such posts:—

- (i) A Government servant placed on “special duty” or “on deputation” should have the pay of his temporary post

fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

NOTE.—If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his "special duty" or "deputation" begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last, it may take this fact into account and fix a uniform pay throughout the period.

(ii) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable Fundamental Rule 40 may be followed.

(iii) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed, without the special sanction of the Finance Department, one-fifth of substantive pay or Rs. 10 a day whichever is less.

Government servants deputed to posts substantially parallel in work and responsibility to the posts which they would otherwise have occupied should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowances. An excellent example of this type will be found in the personnel deputed to Committees and Commissions. Government servants deputed as members of Committees and Commissions will ordinarily be performing no more responsible duties than they would have performed had they remained in the ordinary line of their service; and it is only in exceptional cases that any extra remuneration can be justified. The foregoing principles may, however, have to be relaxed in exceptional cases, where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

[G. I., F. D., Memo. No. F. 13-XIX-Ex. I/31, dated 7th Jan. 1932.]

Audit Instruction.—Under the Fundamental Rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant then rules 39 and 40 will apply.

[Para. 15, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

F. R. 41. *Cancelled.* [With effect from the 1st April 1924.]

F. R. 42. *Subsistence Grant.*—A local Government may make a subsistence grant to any Government servant, other than a military officer, while under suspension.

¹ This revised rule has effect from the 26th July 1932.

F. R. 43. The amount of subsistence grant shall be regulated as follows:—

- ¹(a) In the case of a member of the Indian Civil Service, a statutory Civil servant or a military commissioned officer subject to the civil leave rules, it shall be such as the Secretary of State in Council may by general order prescribe.
- (b) In the case of any Government servant under suspension, other than a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, it shall be such as the suspending authority may direct, but shall in no case exceed one-fourth of the pay of the suspended Government servant.

Audit Instruction.—While the suspending authority has discretion under Fundamental Rule 43 (b) to fix the amount of subsistence grant at such figure as it may think fit, subject to the prescribed maximum it has no authority under clause (b) of Fundamental Rule 53 to refuse a subsistence grant altogether in any case which falls under that clause.

[Para. 16, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

¹ This revised clause has effect from the 26th July 1932.

Chapter V.—Additions to Pay.

F. R. 44. *Compensatory allowances.*—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a Local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

[For rules made by the Governor General in Council in his capacity as a Local Government, under Fundamental Rule 14, see Supplementary Rules 5-8 and 17-195.]

Government of India's orders—

(1) The Governor General in Council has authorised the Director General of Posts and Telegraphs to sanction house-rent allowance to the inferior servants employed in the Telegraph Traffic and Engineering Branches in cases where the conditions of the grant of such allowance and the amount have been laid down in the case of inferior servants of the Post Office. In such cases it may be presumed that the consent of the competent authority has been obtained.

[G. I., I. & L. D., No 76-P. T., dated 16th Sept. 1924.]

(2) (i) The Government of India have sanctioned the grant, with effect from 1st March 1926, to Departmental Postmasters, Sub-Postmasters, and Branch Postmasters, who are not provided with free quarters, of house-rent allowance not exceeding 10 per cent. of their average pay (including compensatory allowance, if any). The actual amounts to be granted in each individual case may be fixed by the Director General subject to the above limit. The grant of this allowance is subject to the condition that the official concerned lives within a reasonable distance of the Post Office. They have also decided that if in any locality the rate of house-rent allowance at present sanctioned for any of the officials referred to above is in excess of the limit now prescribed, no reduction should be made in the higher rate of the allowance.

[G. I., I. & L. D., letter No. 3-P. T. E., dated 23rd March 1926.]

(ii) The Government of India have empowered the Director General of Posts and Telegraphs to sanction house-rent allowance to Postmasters, who are not provided with free quarters, in charge of town offices in certain special localities at rates not exceeding those specified below. The grant of these allowances is subject to the

condition that the official concerned lives within a reasonable distance of the post office of which he is in charge.

Town offices subordinate to	Scale of pay.	Amount of House-rent allowance.
	Rs.	Rs.
Calcutta General Post Office and Alipore and Howrah Head Offices.	{ 45—140 145—170	10 20
Bombay General Post Office	{ 60—150 145—170	15 20
Rangoon Head Office	{ 60—150 145—170	15 20

[G. I., I. & L. D., No. 27-P. T. E., dated 15th May 1926.]

(3) The Government of India have delegated to all Chief Commissioners the same power in respect of the grant of compensatory allowance as they have in the matter of granting special pay.

[G. I., F. D., letter No. 1731-C. S. R., dated 19th Sept. 1923.]

(4) See item (2) of Government of India's Orders under F. R. 9 (25) (page 129).

(5) See item (4) of Government of India's Orders under F. R. 9 (25) (pages 129-130).

Audit Instructions—

(1) No revision of claims of travelling allowance is permissible in cases where a Government servant is promoted or reverted or is granted an increased rate of pay with retrospective effect, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay, and that on which it is notified, unless it is clear that there has been an actual change of duties.

[Para. 1, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

(2) A Central Government servant stationed in one province when transferred to foreign service in another province, on terms which give him travelling allowance on transfer under the ordinary rules, ranks for the purpose of travelling allowance for the complete journey on transfer, as a Government servant of the grade in which he is included in the original province.

[Para. 2-A, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

(8) Hill Allowances fall under "Compensatory allowances." Local Governments have powers to sanction them under Fundamental Rule 44.

[Para. 3, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

Audit Rulings—

(1) Travelling allowance granted to candidates for admission into an Agricultural College, who are asked to interview the Principal, should be treated as a contingent charge.

[Ruling (15), Sec. IV of Compilation of Audit Rulings.]

(2) The Secretary of State having sanctioned Kran compensation allowance to officers in civil employ in Persia, the grant of the allowance from the same date to officers attached to Survey parties in Persia on a portion of their emoluments, requires no further sanction.

[Ruling (16), Sec. IV of Compilation of Audit Rulings.]

(3) The grant of Burma Allowance to officers recruited on special rates of pay in or for service solely in Burma, is inadmissible, as the allowance becomes a source of profit.

[Ruling (18), Sec. IV of Compilation of Audit Rulings.]

(4) Burma Allowance granted to a Provincial Police Officer promoted to the Imperial Police, is *prima facie*, a source of profit, since his pay before promotion was fixed in view of local conditions.

[Ruling (19), Sec. IV of Compilation of Audit Rulings.]

Auditor General's decision.—The Auditor General has ruled that in accordance with F. R. 44 the Government of India (in the case of the Central Government officers) may first specify rates and conditions and then permit subordinate authorities to grant compensatory allowances subject to the maximum rates and to those conditions.

[A. G., P. & T.'s letter No. Mis.-358/H.-33 (a), dated 16th May 1927.]

¹F. R. 45. A Local Government may ²[make rules or issue orders] laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Local Government may make available for the purpose. ³[Such rules or orders] may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

[For rules made by the Governor General in Council, under Fundamental Rule 45, in his capacity as a Local Government, see Supplementary Rules 311 to 317.]

Auditor General's decision.—All District Magistrates and Commissioners of a particular Local Government having been provided with armed guards for their protection, it was found necessary in some cases to erect quarters for them within the compound of the residences, allotted to the officers. As the cost of housing of these guards is to be borne by the Provincial Police Department, the question arose whether the cost of erection of these quarters could not be excluded from the capital cost of the residences for the purpose of calculating the standard rent to be recovered from the officer concerned. It was held that Fundamental Rule 45 gives Local Government the power to exclude the cost of the quarters under reference from the capital cost of the residences for the purpose of fixing standard rent.

[Ar. G.'s letter No. T-863-Admn. II/247-32, dated the 19th July 1932, to A. G., U. P.]

F. R. 45A-I. This rule applies, with effect from the 1st April 1924, to members of the Services and to Government servants holding the posts included in the Schedule to this Rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the Services included therein.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either—

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence.

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

¹ This revised rule has effect from 3rd August 1927.

² [] Substituted for "make rules" by G. I., F. D., Resn : No. D/2015-Ex. II, dated 16th May 1935

³ [] Substituted for "Such rules" by G. I., F. D., Resn : No. D./2015-Ex. II, dated 16th May 1935.

Provided that—

- (i) a Local Government may make rules providing the manner in which the present value of residences shall be determined;
- (ii) a Local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;
- (iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
 - (1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
 - (2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes ¹[in the nature of house or property tax payable by Government in respect of the residence].

¹[] Substituted for the words 'payable by Government' with effect from the 10th November 1931.

- (b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—
- (i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes ¹[in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make, or
 - (ii) 6 per cent. per annum of such capital cost, whichever is less.
- (c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purposes of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed:—

- (a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.
- ²(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—
 - (i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is the less; and
 - (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

¹] Substituted for the words 'payable by Government' with effect from the 10th November 1931

²This revised sub clause has effect from the 10th November 1931

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled:—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any officer shall not exceed 10 per cent. of his monthly emoluments;

(ii) taking a rent in excess of that prescribed in sub-clause (b) above from an officer—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a Local Government—

(a) may, by general or special order, grant rent free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any officer.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A Local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. A Local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the first of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

NOTE.—The term "family" for the purpose of this rule includes, besides children and one wife, one relative.

- (c) To the families of all ranks joining the head of the family within six months of the expiry of leave of any kind, free of charge for the deck passage, and on payment of a single fare for the railway journey.
- (d) To the families of all ranks who are sent back to India on medical advice and who cannot be accompanied by the head of the family, free of charge for the deck passage, and on payment of a single fare for the railway journey.

Government
servant
recalled to
duty from
leave.

S. R. 142. (a) When a Government servant is compulsorily recalled to duty before the expiry of his leave and the leave is thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey from the place at which the order of recall reaches him or, if the journey involves travelling by sea, from the port at which he lands in India to the station to which he is recalled. If the period by which the leave is curtailed is less than a month, mileage allowance may be allowed at the discretion of the authority recalling the Government servant.

(b) If the Government servant recalled to duty is entitled to travelling allowance under rule 124, he may not draw mileage allowance under clause (a) unless he abandons his claims to the mileage allowance specified in rules 115 and 116 (a) I (i) and II (i).

Government of India's decision.—Passage concessions to civil officers recalled from leave sanctioned in the Government of India, Finance Department, No. 757-E. B., dated 20th May 1921, are admissible not only in cases of recall from the United Kingdom, but in all cases of recall from leave out of India.

[G. I., F. D., No. 1293-C. S. R., dated 18th Nov. 1922.]

S. R. 143. If a non-gazetted Government servant, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his pay after transfer does not exceed Rs. 400 and if his new station is distant more than 200 miles from his old station, draw, in addition to the allowance admissible under rule 126, travelling allowance for his family under rule 116 for the journey from the place at which the order of recall reaches him to the new station; provided that the amount so drawn shall not exceed the amount admissible under rule 116 for the journey from the old to the new station.

Travelling
allowance
during join-
ing time
under
fundamental
rule 105 (d)

S. R. 144. A Government servant on joining time under fundamental rule 105 (d) may draw travelling allowance for the journey as for a journey on transfer.

S. R. 145. A non-gazetted Government servant in superior service on pay not exceeding Rs. 400 a month, when proceeding on leave from or returning from leave to a place in Persia or the Persian Gulf to which he is posted, may transport his family to or from India at Government expense; provided that this concession may be granted for the journey in each direction once only in every period of four years.

Concession to non-gazetted Government servants employed in Persia or the Persian Gulf.

¹ NOTE.—The benefit of this rule is admissible only to those Government servants who are certified by the authority competent to sanction their leave as having a genuine Indian domicile or were originally conveyed at Government expense from India or Europe for service in any of the places in Persia or the Persian Gulf.

² S. R. 145-A. Head Warders and Warders of Jails in the Western India States Agency may be granted, when proceeding on leave to and returning from their homes, free railway and steamer tickets not oftener than once in three years.

SECTION XV.—JOURNEY ON RETIREMENT, DISMISSAL OR TERMINATION OF EMPLOYMENT.

S. R. 146. Unless in any case it be otherwise expressly provided in this section, no person is entitled to any travelling allowance for a journey made after retirement or dismissal from Government service or after the termination of such service.

General restrictions.

S. R. 147. A competent authority may, for special reasons which should be recorded, permit any Government servant to draw travelling allowance for a journey of the kind mentioned in rule 146.

Exception.

S. R. 148. When a member of the executive council of the Governor General ³[* * *] travels by railway on retiring from the service or on proceeding to join another post after resigning office, he is entitled, if he so desires, to the concession described in rule 117.

Concessions to high officials.

⁴ S. R. 148-A. When a political resident of the first class travels by railway on retiring from service, he may, if he actually travels in a reserved first class compartment, draw the excess, if any, of the cost of reserving a first class compartment of not more than four berths (or seats, where seats only are provided) over the cost of the fares for himself and any members of his family accompanying him.

S. R. 149. The Surveyor General or an administrative superintendent of the Survey of India Department may grant such rail and steamer fares as he considers necessary to a discharged khalasi or other menial for the journey to the place at which the menial was enlisted.

Concessions to Survey subordinates.

S. R. 150. The Chief Commissioner of the Andaman and Nicobar Islands may grant to any subordinate Government servant employed in the islands a free passage to India for himself and his family on

Concessions to subordinates serving in the

¹ Inserted with effect from the 14th November 1931.

² This rule has effect from 1st April 1925.

³ [] Deleted by G. I., F. D., Correction No. 191 (S. R.), dated the 13th January 1932.

⁴ Inserted by G. I., F. D., Correction No. 191 (S. R.), dated the 13th January 1932.

By whom
signed.

S. R. 213. If the Government Servant on leave is a Gazetted officer, such certificate should be obtained from a Medical Committee—except (1) in cases in which the leave is for not more than three months, or (2) in cases in which leave is for more than three months, or leave for three months or less is extended beyond three months, but the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate that the Government servant need not appear before another Medical Committee for obtaining the certificate of fitness. If the Government servant on leave is not a gazetted officer, the competent authority may, in its discretion, accept a certificate signed by any registered medical practitioner.

Government of India's decision.—It has been decided that a certificate signed by one or two medical officers obtained under S. R. 226, is equivalent for all practical purposes to a certificate from a committee and such cases should not be excluded from the operation of Supplementary Rule 213.

[G. I., F. D., No. 7 (35)-R.I./34, dated the 21st May 1935.]

Division XI.—Leave procedure in the case of Government servants in India.

[Rules made by the Governor General in Council under Fundamental Rule 74 (a) (i) and (ii).]

SECTION I.—LEAVE ACCOUNTS.

By whom
maintained.

S. R. 214. The leave account required by Fundamental Rule 76 shall be maintained in such form as the Auditor General may prescribe.

S. R. 215. (a) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained by the head of the office in which he is employed.

Government of India's orders.—See item (2) of 'Government of India's Orders' under Supplementary Rule 199.

Auditor General's decisions—

(1) When a Government servant is appointed to officiate in a gazetted post, the Audit Officer should at once call for his leave account and maintain it under clause (a) of this rule. When he takes leave, if he is expected to return to the gazetted post, the account may remain with the Audit Officer, otherwise, it would go to the head of the office in which he holds his non-gazetted post.

The status of such a Government servant during leave is however non-gazetted. He should, therefore, be taken as belonging to the establishment of the office in which he holds a substantive post and the head of that office should draw his leave salary, and

disburse it to him, and should sanction the grant to him of any extension of leave which may be given.

[Ar. G.'s letter No. 1216-Admn./434-28, dated 31st Oct. 1928.]

(2) As the status of an officiating Gazetted Government servant during leave has been held to be non-gazetted [*vide* Auditor General's decision (1) above], applications for extensions of leave by such a Government servant should be treated in the same way as similar applications from other non-Gazetted servants, that is to say, the procedure prescribed in rule 2 of Appendix 8 should be followed. If the extension of leave applied for is leave in India, and the Government servant's leave account is with the Audit Officer, the leave account should be called for by the Head of the Office from the former so that he may scrutinise the admissibility of the extension asked for and deal with the application for leave. As regards the fixation of the leave-salary to be drawn during such extension, the Audit Officer should, while communicating the amount of leave salary payable during the first period of leave, also state what the "average pay" of the Government servant in question is, so that the officer drawing the leave-salary of the Government servant may determine the amount of leave-salary to be paid during the period of extension.

[Ar. G.'s letter No. 727-Admn.-N/143-31, dated 13th May 1931.]

SECTION II.—APPLICATION FOR LEAVE.

S. R. 216. Except as provided in rules 217 and 218, an application for leave or for an extension of leave must be made to the authority competent to grant such leave or extension.

To whom application should be made;

S. R. 217. An application for leave by a chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese; whether such Bishop is or is not competent to grant the desired leave.

S. R. 218. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director-General, Indian Medical Service. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the authority competent to grant the leave.

S. R. 219. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

S. R. 219-A. A Government servant on foreign service in India should submit all applications for leave, other than leave on average pay not exceeding four months, with the report of the Account Officer, through his employer to the authority competent to sanction the leave.

Division XIX.—Leave earned by part-time service.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

Part-time law officers. S. R. 287. A law officer holding one of the posts mentioned in fundamental rule 99, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government, may be granted leave as follows:—

- (a) Leave on full pay during the vacation of the High or Chief Court within whose jurisdiction he serves; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.
- (b) Leave on half pay for not more than six months once only in his service after six years of duty.
- (c) On medical certificate, leave on half pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate.
- (d) On the conditions prescribed in fundamental rule 85, extraordinary leave.

S. R. 288. Leave under any one of the clauses of rule 287 may be combined with leave under any other clause.

Division XX.—Leave earned by service remunerated by ¹[honoraria] or daily wages.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

Government servants remunerated by ¹[honoraria]. S. R. 289. A Government servant remunerated by ¹[honoraria] may be granted leave on the terms laid down in rules 287 and 288, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that, during leave of the kind contemplated by clause (b) of rule 287, the whole of the ¹[honoraria] are paid to the person who officiates in his post.

Government of India's decision.—Leave-salary of Task-work delivery peons who have elected to come under the Fundamental Rules as well as those who have not so elected, is determined as follows:—

- (a) Task-work delivery peons will draw double subsistence allowance only on privilege leave under the old rules or on the leave corresponding to what used to be Privilege Leave, that is to say leave admissible under rule 81 (b)

¹ [] Substituted for the words "fees" by G. L. F. D., Correction No. 297 (S. R.), dated the 10th September 1934.

(ii) of the Fundamental Rules, and such peons are not entitled to take leave on average pay or double subsistence allowance on medical certificate up to eight months under the proviso to the rule of Fundamental Rules referred to.

(b) Any leave taken on medical certificate or any form of leave other than Privilege Leave should be on the ordinary subsistence allowance.

(c) When the employment of substitutes in place of Task-work peons on any kind of leave is unavoidable they should ordinarily be employed on such task-work fees only as they may be able to earn. If, however, substitutes are not procurable on these terms they may be granted, in addition to task-work fees, as allowance not exceeding the amount of the subsistence allowance prescribed for the office concerned.

[F. A. P. T.'s G. Z.-9, dated 7th Aug. 1923.]

S. R. 290. A labourer employed on daily wages in a State railway workshop when temporarily absent from work owing to injuries received while on duty, may be granted by the Railway Board leave on full wages to such extent as may be considered necessary. The Railway Board may delegate to Agents of State railways such powers in this respect as it may think fit. Daily labourers in railway workshops

The Agents of State railways may delegate to authorities subordinate to them the whole or part of the powers delegated to them in this respect.

NOTE.—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this Rule shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

Division XXI.—Leave earned by probationers and apprentices.

[Rules made by the Governor General in Council under Fundamental Rule 104 (b).]

S. R. 291. Leave may be granted to a probationer, if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. ¹[If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the orders of an authority competent to appoint him.] Probationers.

¹ [] Added by G. I., F. D., Correction No. 250 (S. R.), dated the 4th October 1933.

Apprentices. S. R. 292. Leave of the following kinds may be granted to an apprentice:—

- (a) On medical certificate, leave on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship.
- (b) Extraordinary leave under fundamental rule 85.

PART V.—JOINING TIME.

Division XXII.—Amount of joining time admissible.

[Rules made by the Governor General in Council under Fundamental Rule 106.]

S. R. 293. Not more than one day is allowed to a Government ^{General} servant in order to join a new post when the appointment to such post ^{rules.} does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

S. R. 294. Except as provided in rule 294-A, the joining time of a Government servant in cases involving a necessary change of station is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:—

(a) A Government servant is allowed—

For the portion of the journey which he travels or might travel.	One day for each.
By railway 250 miles,	
By ocean steamer 200 „	} or any longer time actually occupied in the journey.
By river steamer 80 „	
By motor-car or horse-drawn conveyance plying for public hire 80 „	
In any other way 15 „	

¹(b) A day is allowed for any fractional portion of any distance prescribed in clause (a).

(c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

(d) Travel by road not exceeding five miles to or from a railway station or ²[steamer ghat] at the beginning or end of a journey, does not count for joining time.

(e) A Government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.

(f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

¹ As revised by G. I., F. D., Correction No. 171 (S. R.), dated the 9th December 1930.

² [] Inserted by G. I., F. D., Correction No. 233 (S. R.), dated the 10th January 1933.

Route by
which
calculated

S. R. 296. By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use.

Time and
place from
which join-
ing time is
calculated

S. R. 297. If a Government servant is authorised to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge.

S. R. 298. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Audit Instruction.—A second period of 6 days for preparation should not be allowed in calculating the joining time of a Government servant who is appointed to a new post while in transit from one post to another.

[Para. 15, Sec. II of Manual of Audit Instructions (1926).]

S. R. 299. If a Government servant takes leave while in transit from one post to another the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case the period may be treated as joining time.

S. R. 300. If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time.

Audit Instruction.—See Audit Instruction (5) below F. R. 105.

Special
concessions:

S. R. 301. A competent authority may in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

Audit Instruction.—If a competent authority sanctions under this rule an extension of joining time beyond a period of 30 days for the reasons stated in clause (b) of Supplementary Rule 302, it should be considered that the general spirit of the rules has been observed.

[Manual of Audit Instructions (1926) No. 264, dated the 2nd August 1934.]

S. R. 302. Within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rules in the following circumstances:—

- (a) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or
- (b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or

- (c) when the rules have in any particular case operated harshly; as, for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S. R. 302-A. When a Government servant under the administrative control of the Governor General in Council is transferred to the control of a Government which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

Division XXIII.—Places and stations to which Fundamental Rule 105 (d) applies.

[Rules made by the Governor General in Council under Fundamental Rule 106.]

S. R. 303. ¹[Government servants who are posted at any of the places mentioned in column 1 of the following table and who are certified by the authority competent to sanction their leave as having a genuine Indian domicile or were originally conveyed at Government expense from India or Europe for service in any of those places] are entitled to joining time under Fundamental Rule 105 (d), during journeys made while proceeding on or returning from leave, between any such place and the station named against it in column 2 of the table, subject to any conditions mentioned in column 3 of the table:—

Place.	Station.	Conditions.
1	2	3
Seistan, Birjand, Duzdap and the Khorasan Agency.	Quetta, Spezand or Khanikin.	For the British Envoy at the Court of Nepal, the Legation Surgeon, Nepal, and the clerical establishment of the British Legation.
Kashgar	Srinagar.	
Kerman	Quetta	
Any other place in Persia, and any place in the Persian Gulf, Arabia or Mesopotamia.	Karachi.	
Chumbi or Gyantse	Karachi.	
	Gangtok.	
Nepal	Raxaul	
Aden	Bombay or Karachi.	

¹[] As revised with effect from the 14th November 1931.

Place.	Station.	Conditions.
1	2	3
Port Blair	Calcutta, Madras or Rangoon.	For Postal and Telegraph officials only. The concession is not to be enjoyed by any particular clerk more than once in four years.
Places in Nushki-Seistan trade route.	Nushki	
Gilgit Agency and Chilas	Srinagar	
Kabul	Peshawar.	
Jalalabad	Peshawar.	
Kandahar	Chaman.	Provided that the journey to Europe is made by the overland route <i>via</i> Baghdad and Haifa or Beyrout. The concession is not to be enjoyed by any particular clerk more than once in four years. Provided that joining time is granted to the Government servant only when returning from leave, and is for the period which elapses between the date on which the Government servant reports his return to duty at Rangoon and the date on which he actually assumes charge of his duties at the light-house. [With effect from the 24th January 1930.]
Any place in Persia and the Persian Gulf.	Basra	
Mekran	Karachi or Mastung.	
General light-houses in Burma.	Rangoon	
¹ Baghdad	Karachi	
² Jeddah	Bombay or Karachi.	For the staff of the Indian Vice-Consulate.
³ Kuala Lumpur	Nogapatam.	
³ Durban	Bombay.	
⁴ Misgar	Srinagar	The concession is not to be enjoyed by the Signaller-in-charge of the Government Telegraph Office, Misgar, more than once in 4 years.

¹ Inserted with effect from the 25th September 1930.² Inserted with effect from the 4th September 1930.³ Inserted by G. I., F. D., Correction No. 251 (S. R.), dated the 4th October 1933.⁴ Inserted by G. I., F. D., Correction No. 323 (S. R.), dated the 5th April

S. R. 304. The amount of joining time admissible to a Government servant under rule 303 is the actual time spent on the journey or the period, if any, shewn for the journey in the following table ¹[* * *]; provided that the journey shall be held to commence on the day following the handing over of charge of the Government servant's post or on the day of his arrival at the station named in column 2 of the table below rule 303, according as the Government servant is departing on or returning from leave:—

Amount of
joining time
admissible.

Journey.	Period.
Between Nasratabad and Quetta . . .	21 days.
,, Birjand and Quetta . . .	18 days.
,, Meshed and Quetta or Spezand . . .	26 days.
,, Kashgar and Srinagar . . .	50 days.
,, Kerman and { Quetta <i>via</i> Duzdap . . . Karachi <i>via</i> Bundar Abbas . . . or Basrah . . .	21 days.
,, ² Shiraz and Karachi . . .	16 days.
,, ² Kermanshah and Karachi . . .	19 days.
,, ² Dizful and Karachi . . .	15 days.
,, Ahwaz and Karachi . . .	15 days.
,, Maskat and Karachi . . .	10 days.
,, Baghdad and Karachi . . .	20 days.
,, Bundar Abbas and Karachi . . .	13 days.
,, Bushire and Karachi . . .	12 days.
,, Mohammerah and Karachi . . .	13 days.
,, Bahrein }	
,, Koweit } and Karachi . . .	The actual number of days occupied in the transmission of mail letters at the time when the journey is made; plus 8 days.
,, Lingah }	
,, Chumbi and Gangtok . . .	4 days.
,, Gyantse and Gangtok . . .	14 days.

¹ [] Deleted with effect from the 18th September 1931.

² As amended with effect from the 18th September 1931.

Journey.	Period.
Between Port Blair and Calcutta	7 days.)
" Port Blair and Madras	7 days. } The Chief Commis-
" Port Blair and Rangoon	4 days. } sioner, Andaman
	and Nicobar Islands, has full power to increase the maximum period of joining time in special circumstances when a voyage to or from Calcutta, Madras or Rangoon takes a longer time.
" Khatmandu and Raxaul	5 days.
" ¹ Aden and Bombay or Karachi	7 days.
" Dalbandin and Nushki	1 day. }
" Nok-kundi and Quetta	2 days. }
" Mirjava and Quetta	2 days. } For Postal and
" Duzdap and Quetta	3 days. } Telegraph officials-
" Khwash and Quetta	6 days. }
" Gilgit Agency and } and Srinagar Chilas.	14 days.
" Kabul and Peshawar	12 days.
" Jalalabad and Peshawar	10 days.
" Kandahar and Chaman	10 days.
" Kerman and Basra	31 days.
" ² Shiraz and Basra	14 days.
" ² Dizful and Basra	10 days.
" Ahwaz and Basra	10 days.
" Bushire and Basra	10 days.
" Bundar Abbas and Basra	13 days.
" Lingah and Basra) The actual number of days occupied in the transmission of mail letters at the time when the journey is made; plus 8 days.
" Koweit and Basra	
" Bahrain and Basra	
" Maskat and Basra	
	15 days.

¹ As amended by G. I., F. D., Correction No. 350 (S. R.), dated the 10th May 1935.

² As amended with effect from the 18th September 1931.

Journey.	Period.
Between Mohammerah and Basra . . .	8 days.
,, Kermanshah and Basra . . .	12 days.
,, Mekran and Karachi or Mastung .	15 days.
,, Duzdap and Quetta . . .	6 days.
,, Meshed and Khanikin . . .	17 days for journeys connected with leave to Europe and 26 days for other journeys.
,, Nasratabad and Khanikin . . .	21 days for journeys connected with leave to Europe and 12 days for other journeys.
,, Duzdap and Khanikin . . .	12 days.
,, ¹ Baghdad and Karachi . . .	7 days.
,, ² Jeddah and Bombay or Karachi .	20 days.
,, ³ Kermanshah and Baghdad . . .	4 days.
,, ⁴ Kuala Lumpur and Nagapatam .	6 days.
,, ⁴ Durban and Bombay . . .	19 days.
,, ⁵ Misgar and Srinagar . . .	24 days.

S. R. 305. *Deleted.*

S. R. 306. The concession prescribed by rule 303 is not admissible to a non-gazetted Government servant in superior service in Persia or Persian Gulf on pay not exceeding Rs. 400, if his departure on leave necessitates the importation of a substitute from India to fill a vacancy extending over less than three months exclusive of the joining time calculated under rule 304. Exception.

S. R. 306-A. A Government servant posted to a place within the territories administered by a local Government which has prescribed similar rules for Government servants under its administrative control, may be allowed joining time in accordance with the rules so prescribed.

¹ Inserted with effect from the 25th September 1930.

² Inserted with effect from the 4th September 1930.

³ Inserted with effect from the 18th September 1931.

⁴ Inserted by G. I., F. D., Correction No. 251 (S. R.), dated the 4th October 1933.

⁵ Inserted by G. I., F. D., Correction No. 323 (S. R.), dated the 5th April 1935.

Secretary of State's Rules.— See entry below F. R. 45-A.

Government of India's decision.—The Governor General in Council has decided that, for the purpose of recovering from occupants not entitled to rent-free accommodation, charges incurred by the Government for repairs, maintenance, taxes, etc., in respect of residential quarters given rent-free to the Posts and Telegraphs Department by Indian States, etc., the average annual cost of repairs, maintenance, taxes, etc., should be estimated annually in advance by the Head of the Circle on the basis of the average expenditure thereon during the past three years. If information about the average expenditure for three years is not available, such figures as are available should be taken for the purpose. The annual rent thus arrived at should be apportioned on a floor area basis, when the recovery in respect of a building is to be effected from more than one occupant, or when the building is used as an office and a residence.

[F. A., P. & T.'s endorsement No. N-510/34, dated the 28th March 1935.]

S. R. 322. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45A of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be—

(a) The amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including sanitary, water-supply and electric installations and fittings) *plus* the amount of the rates or taxes ¹[in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body; or

(b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45A as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1):—

(a) "probable cost" shall include all charges which may reasonably be expected to be incurred;

¹ [] Substituted for "if any, payable" by G. I., I. & L. D., Notfn. No. B-22, dated the 24th February 1932.

- (b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

Director General's Instructions.—The procedure adopted by the local Public Works Department authorities for calculating the percentages on account of taxes and special and ordinary repairs which are to be added to the capital cost of residential buildings should be generally followed by the Indian Posts and Telegraphs Department.

[D. G. P. T.'s letter No. 140-AP.-BS./27/Misc., dated 4th June 1929.]

S. R. 323. When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely:—

- (a) the total cost of such additions and alterations shall not exceed 5 per cent. of the capital cost on which the standard rent was last calculated, and
- (b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

S. R. 324. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation ¹[and the recalculation shall take effect from the 1st April next following, or from such other date as the Governor General in Council may direct].

S. R. 325. (1) If a residence is supplied with services other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the Governor General in Council under clause VI of

¹ [] Inserted by G. I., I. & L. D. (P. W. Br.), Notfn. No. B-9, dated the 19th March 1935.

Fundamental Rule 45A, are in force) the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45A, shall be determined by the competent authority subject to the following provisions, namely:—

- (a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of:—
 - (i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such services;
 - (ii) in the case of furniture, depreciation and repairs; and
 - (iii) in the case of such services, other than furniture, maintenance charges; and
- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

¹(2) If a residence is supplied by Government with electric energy and water and meters (see Supplementary Rule 320) the charges for such services shall be recovered in addition to the rent payable under sub-rule (1) and under clause IV of Fundamental Rule 45-A, and shall be determined by the competent authority subject to the following provisions, namely:—

- (a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of the cost per unit shall be so fixed as to include, in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of:—
 - (i) interest at a rate to be fixed by the Governor General in Council from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;
 - (ii) depreciation and maintenance charges on the capital assets; and
 - (iii) actual running expenses.
- (b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.
- (c) In the case of meters, the charges shall be recovered for the period of actual use, subject to a minimum of one month and to broken periods being treated as a whole

¹As revised by G. I., I. & L. D., Notfn. No. B-9, dated the 2nd March 1932.

month, at a fixed rate per mensem which shall be one-twelfth of the amount annually required for the payment of—

- (i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such meters; and
 - (ii) depreciation and maintenance charges.
- (d) If the capital outlay or cost mentioned in clauses (a) (i) and (c) (i) is not known, it may be estimated by the competent authority:

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for electric energy, water and meters subject to the condition that the basis of assessment is uniform.

¹(3) The Governor General in Council may in special circumstances by order remit or reduce the additional rent and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

Government of India's decision.—The Governor General in Council has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45A-III and 45B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45A and 45B.

[G. I., F. D. No. F-3-XLVII-R. I./29, dated the 19th February 1930.]

S. R. 326. Fundamental Rule 45A shall be deemed to have applied, with effect from the 1st April 1924, to all Government servants not mentioned in the said rule to whom the rules governing the allotment and conditions of occupation of Government residences and quarters in Delhi and Simla applied, and, with effect from the 1st April 1929, shall apply to all Government servants, other than those occupying residences belonging to a State Railway or rented at the cost of Railway revenues, who fulfil the conditions set forth in rule 1 of these rules.

Division XXVIII.—Rent of Government Residences— *contd.*

[Rules made by the Governor General in Council under Fundamental Rule 45-B.]

²S. R. 327. For the purposes of clause II of Fundamental Rule 45-B, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

- (a) a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority; or

¹ As revised by G. I., I. & L. D., Notification No. B-9, dated the 2nd March 1932.

² As revised by G. I., I. & L. D., Notfn. No. B-9, dated the 29th September 1933.

(b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department and when—

- (i) the residence is in the occupation of an officer whose pay does not exceed Rs. 150 a month; or
- (ii) the capital cost of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 328. For the purposes of clause II of Fundamental Rule 45B, expenditure incurred on such works as:—

- (a) raising, levelling and dressing sites;
- (b) construction of revetments, retaining walls, compound walls, fences and gates;
- (c) storm water drainage; and
- (d) approach roads and paths within the compound;

shall be regarded as expenditure upon the preparation of a site.

S. R. 329. For the purposes of proviso (vi) to clause II of Fundamental Rule 45-B, the following shall be regarded as fittings, namely:—

Electric Fittings.

- (a) Lamps of all kinds (excluding bulbs);
- ¹(b) Fans, including switches and regulators, the hire of which is not charged separately; and
- (c) Meters, the hire of which is not charged separately.

Sanitary and Water Supply Fittings.

- (a) Apparatus for hot water supply;
- (b) Baths, basins and lavatory equipment; and
- (c) Meters, the hire of which is not charged separately.

S. R. 330. In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45B, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes ²[in the nature of house or property tax payable in respect of the residence]

¹ As revised with effect from the 22nd September 1930.

² [] Substituted for " , if any, payable " by G. I., I. & L. D. Notfn. No. B-29, dated the 24th February 1932.

under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and

- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, *plus* interest calculated at the rate fixed by the Secretary of State in Council under sub-clause (b) of clause III of Fundamental Rule 45B—

- (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or
- (ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

S. R. 331. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45B of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government, and for both ordinary and special maintenance and repairs shall be—

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence *plus* the amount of the rates or taxes ¹[in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body; or
- (b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1)—

- (a) "probable cost" shall include all charges which may reasonably be expected to be incurred;
- (b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and.

¹ [] Substituted for "if any, payable" by G. I., I. & L. D., Notfn. No. B-29, dated the 24th February 1932.

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This Index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules. The following abbreviations have been used :—

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		G. I.	Government of India.
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Serial No. of correc- tion.	Rule affected.	Date of posting.	Serial No. of correc- tion.	Rule affected.	Date of posting.	Serial No. of correc- tion.	Rule affected.	Date of posting.

